

Application No. 10/571,798
AMENDMENT dated December 12, 2008
Reply to Office Action of August 12, 2008

REMARKS

Claims 47-54 are pending. Claim 49 is canceled, and claims 55 and 56 are added herein. Accordingly, claims 47, 48, and 50-56 are at issue.

A new abstract presented on a separate sheet is included herewith.

The objection to claim 54 is addressed by amendment thereto as recommended in the Action.

Claims 47-51 and 53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,722,762 (Soll) in view of U.S. Patent No. 3,330,552 (Lawrence). Claims 52 and 54 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Soll in view of Lawrence and further in view of U.S. Patent No. 6,749,166 (Valentine et al.).

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Claim 56 is a new independent claim replacing canceled independent claim 47 with the dependent claims all amended to depend cognately from new independent claim 56. Independent claim 56 is directed to a clip-on light apparatus including a pair of light modules, where the light modules each include a housing having an LED therein. Claim 56 calls for an elongate clip-on frame including a rod having opposite ends with one of the pair of light module housings fixed at each end, and a clipping mechanism generally centrally disposed between the ends of the rod and the light module housings fixed thereat. Claim 56 recites a base of the clipping mechanism configured to mount the clipping mechanism to the rod, and a support surface in each housing against which the corresponding LED is fixed and canted in the housing so that the LEDs are fixed to direct light inwardly toward each other. Claim 56 further recites a rotary coupling between the base of the central clipping mechanism and the rod to allow a user to rotate the rod and the light housings fixed at either end so that rotating the rod simultaneously rotates the fixed light housings in unison with each other while keeping the light from the canted LEDs directed inwardly toward each other. None of the

Application No. 10/571,798
AMENDMENT dated December 12, 2008
Reply to Office Action of August 12, 2008

relied upon art, either alone or in combination, discloses or suggests the clip-on light apparatus of claim 56 including the recited light modules and clip-on frame that allows a user to rotate a rod of the clip-on frame so that housings of the light modules fixed at either rod end also rotate simultaneously therewith and in unison with each other keeping the light from the LEDs directed inwardly toward each other via support surfaces in each housing of the light modules.

More particularly, Soll discloses an illumination device 10 including a frame 12 with a cross member 14 having opposite ends at which focusable light assemblies 18A and 18B are mounted via ball and socket joints 26. As noted in the Action, the illumination device 10 taught by Soll is not intended to be clipped to another item and, as such, fails to disclose or suggest the use of a clipping mechanism as recited in claim 56. In this regard, Soll discloses a pair of rearwardly extending temple arms 16A and 16B that pivotally attach to the opposite ends of the cross member 14 as found in a typical pair of eyeglasses so that the illumination device 10 can be worn in this fashion. Thus, there is no incentive for one skilled in the art to use a clipping mechanism on the frame 12 of the Soll illumination device 10 since it is already provided with significant additional structure to allow a user to wear the device 10 as one would wear a typical pair of eyeglasses. In fact, Soll teaches embodiments including frame 12 shown without lenses, and a second embodiment where the corresponding frame 112 includes a pair of lenses 146, as shown in FIG. 3.

Further, Soll teaches that the light assemblies 18A and 18B are improved over prior lighted devices with limited ranges of movement for their lamps (*see Col. 1, lines 34-37*) via the provision of the ball and sockets joints 26 to which the light assemblies 18A and 18B are mounted for being rotated in any direction to illuminate a selected area (*see Col. 3, lines 58-64*). By contrast, claim 56 requires that the light modules be fixed at each end of the rod of the clip-on frame.

In addition, Soll shows that the light source 20 of the light assemblies 18A and 18B is mounted to base member 24 so that it extends centrally along the longitudinal axis of the light

Application No. 10/571,798
AMENDMENT dated December 12, 2008
Reply to Office Action of August 12, 2008

assemblies 18A and 18B and thus directs light straight centrally out therefrom and through the lenses 30 and 34 thereof. On the other hand, claim 56 states that there is a support surface in each housing against which the corresponding LED is fixed and canted in the housing so that the LEDs are fixed to direct light inwardly toward each other. No such support surface of the light assemblies 18A and 18B is disclosed or suggested by Soll. This is to be expected since such a canted arrangement of the light source 20 is unnecessary due to the ball and socket joints 26 allowing the light assemblies 18A and 18B to be rotated in contrast to the fixed light modules of claim 56.

Claim 56 also requires a rotary coupling between the base of the clipping mechanism and the rod of the clip-on frame. As described in claim 56, the rotary coupling allows a user to rotate the rod in the light housings fixed at either end so that rotating the rod simultaneously rotates the fixed light housings in unison with each other while keeping the light from the inwardly canted LEDs directed inwardly toward each other. As discussed above, Soll does not disclose or suggest a clipping mechanism, and thus cannot disclose or suggest the recited rotary coupling between the clipping mechanism and the clip-on frame rod, as set forth in claim 56. Lawrence is relied upon for teaching a clipping mechanism. However, the fastener elements 32 disclosed by Lawrence are shown as being secured to the temple members 20 and 22 (FIG. 2) or on either side of the central area above the nose bridge of the eyeglasses 16 (FIG. 6), and not centrally disposed between opposite ends of a rod of the clipping mechanism, as required in claim 56. Instead, Lawrence teaches that the light unit 38 is centrally disposed on the tube 24 over the nose bridge of the eyeglasses 16. In this regard, Lawrence also fails to disclose or suggest a pair of light modules that are fixed at opposite ends of the clipping mechanism rod, as recited in claim 56. Moreover, Lawrence also fails to disclose or suggest the recited support surface in each light module housing against which a corresponding LED is fixed and canted in the housing so that the LEDs are fixed to direct light inwardly toward each other, as set forth in claim 56. Therefore, Lawrence also fails to disclose or suggest operation of the rotary coupling recited in claim 56 that allows a user to rotate the rod and

Application No. 10/571,798
AMENDMENT dated December 12, 2008
Reply to Office Action of August 12, 2008

light housings fixed at either end so that rotating the rod simultaneously rotates the fixed light housings in unison with each other while keeping the light from the inwardly canted LEDs directed inwardly toward each other.

The teachings of Valentine et al. are not relevant to the above-noted deficiencies of Soll and Lawrence and thus fail to cure these deficiencies with respect to the subject matter of claim 56. Accordingly, claim 56, and claims 48 and 50-55 which depend cognately therefrom, are believed allowable over the relied upon art.

Based on the foregoing, reconsideration and allowance of claims 48 and 50-54, and consideration and allowance of claims 55 and 56, are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Dated: December 12, 2008 _____

/Stephen S. Favakeh/
Stephen S. Favakeh
Registration No. 36,798

120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone (312) 577-7000
Facsimile (312) 577-7007
522225

Appendix